

WTVS Channel 56
7441 Second Avenue
Detroit, Michigan 48202-2796



Detroit Public Television

tel 313 777-7200
www.wtvs.org

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of:

Implementation of the Satellite Home
Viewer Improvement Act of 1999

CS Docket No. 00-96

Broadcast Signal Carriage Issues

COMMENTS OF DETROIT EDUCATIONAL TELEVISION FOUNDATION

The Detroit Educational Television Foundation ("DETF") is licensee of non-commercial television station WTVS, Detroit, Michigan, which currently serves over 1.8 million households in Detroit and southeastern Michigan (the ninth largest U.S. Designated Market Area ("DMA")) with noncommercial public television programming. The DETF, a nonprofit Michigan corporation under Section 501(c)(3) of the Internal Revenue Code, was established in 1953 to serve the citizens of southeastern Michigan through noncommercial educational television service. The station WTVS began broadcasting on October 3, 1955. Over 67% of the station's annual revenue is provided by individual citizens who contribute to DETF and an additional 11% is provided by locally based corporations and foundations.

The FCC should require satellite carriers to carry local public television stations if they carry any local commercial station.

Localism is at the programmatic and financial heart of U.S. Public Television, and satellite carriers must be a vital link in the distribution chain. Their carriage of a local public television station back into its local market should be required as soon as the carrier begins to offer secondary transmissions of any local commercial station back into the local market or at least no later than January 1, 2002.

In fact, such carriage would be consistent with repeatedly stated Congressional intent that the American public have access to the public television programming that their tax dollars and, to an even greater extent, their voluntary contributions help to support.

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In 47 C.F.R. 396(a):

The Congress hereby finds and declares that –

(8) public television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs;

*(9) it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies;*¹ [emphasis supplied]

and further in the September 14, 1992, Conference Report on the Cable Television Consumer Protection and Competition Act of 1992:

Section 2. (a) (8) The Federal Government has a substantial interest in making all nonduplicative local public television services available (on cable systems) because—

- (A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;*
- (B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of \$10,800,000,000 since 1972 [through September 14, 1992], that provides public service programming that is responsive to the needs and interests of the local community;*
- (C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than \$3,000,000,000 in public broadcasting since 1969 (through September 14, 1992); and*
- (D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.*²

The substantial reasoning for carrying local public television stations on cable systems is, we believe, equally applicable to the satellite carrier environment as technology developments have already made this possible.

Currently, satellite carriers use a PBS national feed, and DirecTV represents that feed in its advertising and telemarketing as one of the new "local services" offered in certain larger markets since November 1999. It is not. This packaged feed is an outgrowth (and in our view not the intended use) of one of the terms of the 1988 Satellite Home Viewer Act.

¹ The Communications Act of 1934, as amended, U.S. Code: Title 47, Section 396 (a)(8)(9).

² Cable Television Consumer Protection and Competition Act of 1992, Conference Report, September 14, 1992, Section 2, (a)(8).

Under the SHVA, PBS had to make available to owners of large C-Band satellite dishes, who were primarily in unserved, rural areas, an unencrypted feed of the basic PBS program service. The existence of such a service for rural areas may also be potentially acceptable as a placeholder in a given (smaller) market until retransmission by satellite carriers of any local commercial station begins. Once any station is offered, however, we believe that carriage of the PBS national feed must not be taken as the "easy way out" for the carriers to offer just one very limited PBS service for Americans everywhere. To do so and not to carry the local public television station denies people the enriched local services for which all citizens help to pay.

Local public television stations serve the interests and needs of the local community.

Unlike commercial networks, public television is a "bottom up" industry, with local member stations owning PBS and serving as a primary source of programming for national distribution. Local member stations also raise the majority of the income to commission, create, acquire, and distribute the programs. Our role as a universal provider is to bring not only those national programs to satellite carrier customers but also to bring local service to all Americans with a television set, regardless of their ability to afford satellite subscriber fees. This unites Americans, rather than dividing their access to educational programming by their ability to pay. For the economic model to work, however, we the stations must have practical access to all viewers in our markets in order to raise the funds that cause the programs to appear on the PBS feed and on our air.

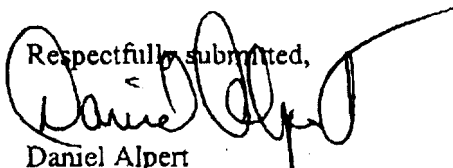
The considerable value added to the PBS service by local stations is of great importance. It includes:

- K-12 and college telecourse educational offerings for use by schools, students, and home learners in our markets. For example:
 - This station, Detroit Public Television, has created *The Enrichment Channel: smARTiv*. These are 14 one-hour programs and edited educational modules for use in area schools, this year taking students on "electronic field trips" to 14 local cultural institutions, including the Detroit Institute of Arts, Detroit Symphony Orchestra Hall, the Charles H. Wright Museum of African-American History, and many others. Each program was designed to meet specific Michigan curriculum requirements for our young people.
 - We also air three hours each day of college courses in fields that include marketing, sociology, business math, and many more; 6,000 students a year earn college credit for the telecourses that Detroit Public Television provides locally.
- Programs covering community issues of diversity and the arts not addressed by national providers or even other local stations. Currently our weekly productions include:

- ❑ *American Black Journal* looking at issues and people from local African-American perspectives (this program and its predecessors, *Detroit Black Journal* and *CPT*, has provided this perspective to the local community for over 32 years)
 - ❑ *Back To Back* addressing issues of the day, debated from multiple perspectives and with viewer call-ins
 - ❑ *Backstage Pass* presenting a weekly look at events in the arts and cultural institutions around town
- Presentations of Michigan programs, including *Michigan Out of Doors*, *Michigan at Risk*, *Great Lakes Ports of Call*, and many more.
- Acquisitions of historical, nature, news analysis, and classic performance programs from other sources so that in all, nearly half our programming comes from non-PBS sources.

This is what we seek to provide to everyone within our coverage area. Appropriately, the satellite carriers would be able to count the carriage of our service toward their 4 percent commitment to educational programming. We urge the commission to continue what has clearly been the policy of this nation: To insure availability of public television via local stations to all the people in our broadcast markets. You can do this by reinforcing the statutory requirement that satellite carriers must transmit the market's local public television station as soon as the carrier begins to offer secondary transmissions of any local commercial station back into the local market or at least no later than January 1, 2002.

Respectfully submitted,



Daniel Alpert

Station Manager/COO

313-876-8102 fax: 313-876-8179 email: alpert@dptv.org

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